DETAILED ACTION

Remarks

1. In response to communications filed on 31 May 2011, claims 118-127 are presently pending in the application.

2. Examiner acknowledges Applicant's request that that Examiner write allowable claims in accordance to MPEP 707.07(j). However, the practice of suggestion one or more claims for a *pro se* application can only occur when it becomes apparent to the examiner that there is patentable subject matter disclosed in the application. Examiner has looked at the subject matter disclosed in the application and believes the claims appear to cover what Applicant feels are the inventive aspects of his invention. Further, Examiner does not see embodiments in the specification that would make the invention non-obvious over the prior art.

3. It is noted that applicant has certified that applicant's last transmission was submitted on 28 May 2011. However, the USPTO received the transmission on 31 May 20011. Further as part of the transmission, applicant has included fax confirmation reports indicating transmission failures that occurred on 31 May 2011. Applicant is asked to clarify this discrepancy.

4. Examiner notes not contacting the applicant for an interview as requested in the last correspondence. Because the application was due for action within a short period of time after reading the request, Examiner was unable to comply. If Applicant would like to schedule an interview before submitting a response, Applicant is invited to submit a formal request in writing to Examiner's personal fax number which is 571.273.4075 including an agenda of the substance of the interview.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 118-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skidgel et al. (U.S. patent application publication No. 2002/0093678 A1 in view of Shneiderman (U.S. patent No. 7,010,751 B2) and Hamada et al. (U.S. patent No. 6,353,452 B1).

As to claim 118, Skidgel et al. teaches in a multi-user computer network, a method for obtaining and displaying information relating to existence of at least one user of a computer network in an
image comprising:

a) assigning a unique user identification to users of a computer network (see paragraphs 0026-27);

b) obtaining image data from at least one user of said computer network (see paragraph 0029);

c) assigning a unique image identification to said image data (see paragraphs 0028-29);

d) presenting a client interface on a first computer configured for said at least one user of said computer network to provide identifying information (see figure 4B1, reference number 442B);

e) obtaining said identifying information from said at least one providing user (see paragraphs 0033 and 0038) and;

f) storing said identifying information on a second computer where said identifying information is searchable by a plurality of searching users (see paragraph 0045);

g) presenting a search interface to at least one searching user of said plurality of searching users (see figure 4E1);

i) receiving a request for at least one image within said object data from said at least one searching user, where said at least one image comprises at least one result object (see figures 0046-47);

j) performing a query that returns said at least one result object found in said image data obtaining data associated with said at least one result object from said second computer in response to said request, said data represents said identifying information provided by said at least one user for said at least one result object (see paragraphs 0048-49); and,

k) presenting said data associated with said at least one result object to said at least one searching user that initiated said request (see paragraphs 0049-51).

Because Skidgel et al. teaches a list of people keywords that are created by the user of the system rather than generated from the users table, Skidgel et al. does not distinctly disclose wherein said identifying information comprises a user identifier of other users of said computer network in said image data and said data further comprising identification information about said at least one user of said computer network.

However, Shneiderman teaches wherein said identifying information comprises a user identifier of other users of said computer network in said image data (see column 9, line 29 through column 10, line 14) and Hamada et al. teaches pulling information from a preexisting table such as a user's table rather than populating the list by the user (see column 7, lines 26-46).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Skidgel et al. to include the teachings of Shneiderman and Skidgel et al. because these teachings would recall data such as the keyword names of Skidgel et al. with corresponding identifying information of Shneiderman from preexisting sources rather than requiring individual users to fill this data in themselves.

As to claim 119, Skidgel et al. as modified, does not distinctly disclose wherein said identifying information further comprises location information that identifies coordinates of said at least one result object.

However, Shneiderman teaches this, see column 8, lines 8-12 and see column 12, lines 41-50. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Skidgel et al. to include the teachings of Shneiderman because these teachings would make it easier for a user of the system to identify which of the people in the image the user is.

As to claim 120, Skidgel et al. as modified, teaches wherein said user identifier in said identification information obtained by said second computer from a user of said computer network is selected from a relationships between users of said computer network (see Skidgel et al., paragraphs 0033 and 0038; see Shneiderman, column 9, line 64 through column 10, line 7; and see Hamada et al., column 7, lines 26-46).

As to claim 121, Skidgel et al. as modified, teaches wherein presenting said identifying information further displays identifying information at said coordinates of said at least one result object in said image data (see Shneiderman, column 8, lines 8-12 and see column 12, lines 41-50).

As to claim 122, Skidgel et al. as modified, does not distinctly disclose wherein upon obtaining said identifying information from said at least one providing user, an email is sent to any email address associated with those users identifiers in said identifying information of said computer network, said email notifying users of said computer network that their user identifier had been associated with said image data.

However, Shneiderman teaches this, see column 9, line 64 through column 10, line 8. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Skidgel et al. to include the teachings of Shneiderman because these teachings would allow people knowledge and access to pictures that are submitted to the system.

As to claim 123, Skidgel et al. teaches in a multi-user computer network, a method for obtaining and displaying information relating to existence of a plurality of users of said computer network in image data stored on said computer network comprising:

a) assigning unique user identifiers to a plurality users of a computer network (see paragraphs 0026-27);

b) obtaining descriptive user information about at least one of said users of a computer network (see paragraphs 0026-27);

c) obtaining image data from at least one user of said computer network (see paragraph 0029);

d) assigning a unique image identifier to said image data (see paragraph 0029);

e) presenting a client interface on a first computer configured for said plurality of users of computer network to collaboratively provide identifying information about which other users of said network appear in said image data (see figure 4B1 reference number 442B);

f) obtaining said identifying information from said client interface wherein said identifying information comprises said descriptive user information associated with said users of a computer network (see paragraph 0033 and paragraph 0038);

h) determining from said identifying information which unique image identifier to be associated with said user identifier (see paragraphs 0033 and 0038);

i) storing the relationship between said user identifier and said image identifier on a second computer whereby said identifying information is searchable by a plurality of users of said network (see paragraphs 0039-40);

j) presenting a search client interface to at least one searching user of said plurality of network users, said search interface allowing said searching user to select from said descriptive information from which to retrieve identifying information stored on said network (see figure 4E1);

k) obtaining said descriptive information from said search client interface (see paragraph 0046-47);

l) determining which unique user identifier is associated with said descriptive information obtained from said search client interface (see paragraph 0046-47);

m) performing a query that returns image data and descriptive user information associated with said unique user identifier obtained from said search client (see paragraph 0047-48);

n) presenting said image data and said descriptive user information to said at least one searching user that initiated said request (see paragraph 0049-51).

Because Skidgel et al. teaches a list of people keywords that are created by the user of the system rather than generated from the users table, Skidgel et al. does not distinctly disclose where said descriptive information is associated with one of said unique user identifiers; where said identifying information comprises said descriptive user information associated with said users of a computer network; determining from said descriptive information which unique user identifier to be associated with said identifying information.

However, Shneiderman teaches where said descriptive information is associated with one of said unique user identifiers; where said identifying information comprises said descriptive user information associated with said users of a computer network; determining from said descriptive information which unique user identifier to be associated with said identifying information (see column 9, line 29 through column 10, line 14) and Hamada et al. teaches pulling information from a preexisting table such as a user's table rather than populating the list by the user (see column 7, lines 26-46). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Skidgel et al. to include the teachings of Shneiderman and Hamada et al.because these teachings would recall

data such as the keyword names of Skidgel et al. with corresponding identifying information of Shneiderman from preexisting sources rather than requiring individual users to fill this data in themselves.

As to claim 124, Skidgel et al. as modified, does not distinctly disclose wherein said identifying information further comprises location information describing where within said image data said users of said network appear.

However, Shneiderman teaches this, see column 8, lines 8-12 and see column 12, lines 41-50. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Skidgel et al. to include the teachings of Shneiderman because these teachings would make it easier for a user of the system to identify which of the people in the image the user is.

As to claim 125, Skidgel et al. as modified, teaches wherein said user identifier of said descriptive user information in said identification information is selected from a list of contact relationships between users of said computer network (see Skidgel et al., paragraphs 0033 and 0038; see Shneiderman, column 9, line 64 through column 10, line 7; and see Hamada et al., column 7, lines 26-46).

As to claim 126, Skidgel et al. as modified, teaches wherein said presenting said image data further displays descriptive user information about network user associated with said image data, where said descriptive user information is displayed in relation to said location information

(see Shneiderman, column 8, lines 8-12 and see column 12, lines 41-50).

As to claim 127, Skidgel et al. as modified, does not distinctly disclose wherein upon obtaining said identifying information from said at least one user of said computer network, an email is sent to an email address obtained in said descriptive user information associated with those users identifiers in said identifying information of said computer network, whereby said email notifies users of said computer network that their user identifier had been associated with said image data.

However, Shneiderman teaches this, see column 9, line 64 through column 10, line 8. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Skidgel et al. to include the teachings of Shneiderman because these teachings would allow people knowledge and access to pictures that are submitted to the system.

Response to Arguments

7. Applicant's arguments filed 31 May 2011 have been fully considered but they are not persuasive.

8. In response to Applicant's arguments that Shneiderman does not teach wherein said identifying information comprises a user identifier of other users of said computer network in said image data, the arguments have been fully considered, but are not deemed persuasive. It is first noted that Applicant's attach of the Shneiderman reference amounts to a piecemeal analysis of the references. One cannot show nonobviousness by attacking references individually where

the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

9. Applicant indicates that Shneiderman does not teach "storing information about people using the system, nor as a means for creating or [assigning] a unique user identifier for users of the system" (emphasis removed). However, the email addresses of Shneiderman can be (and in Shneiderman are) used as user identifiers of users of the system.

10. Applicant attacks the Shneiderman reference stating that two users of the system may share the same email address and therefore the email address would not uniquely identify a user in the system. While this may be true, two users of Applicant's disclosed invention could also share a "PersonID" as applicant has not disclosed or claimed a way of preventing this from happening. Therefore, the disclosure of the combination of references is still deemed to suggest the teachings of Applicant's claims.

11. Applicant indicates that if this identifier was changed in one library it would not update in other Image Libraries. Here, Applicant is arguing limitations that are not in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

12. Applicant then indicates that if the most common practice of assigning a random number to serve as the user identifier was employed, it is not obvious how these numbering systems could be kept in sync across multiple systems. Examiner would like to indicate that applicant is again only attacking the Shneiderman reference and not what the three references would teach to one having ordinary skill in the art at the time of the invention. Further, applicant's claims do not

claim that a user can change information or that a random number system is employed. Examiner has not recommended this as a solution to overcome the prior art because as applicant indicates this would be "common practice".

13. In response to Applicant's request for clarification of the Hamada et al. reference, it is noted that Hamada et al. teaches pulling different information from tables in a database to a user interface so that a user can select the information from a list box display rather than having to type out the information themselves. This corresponds to pulling information from a preexisting table rather than having a user to manually populate a list.

14. In response to Applicant's arguments directed to claim 120, the arguments have been fully considered, but are not deemed persuasive. Skidgel teaches tagging photos with user keywords and later sharing the photos among users that are part of the photo sharing website. See paragraphs 0038-39. Shneiderman teaches a user identifier including an email address being used to select users in an image and later being used to send users a copy of that image to the identified users. Hamada teaches populating the user list from known tables (such as a users table of Skidgel). Therefore, the combination of references teaches the limitations of this claim.

15. In response to Applicant's arguments directed to claim 122, the arguments have been fully considered, but are not deemed persuasive. Shneidermans teaching of sending an image library would notify a user that he had been associated with an image in the original library.

16. Applicant in this section argues the Commercial Success of other companies as evidence of non-obviousness. Applicant goes on to indicate that the technology of "tagging" photos is the novel feature that was non-obvious in the prior art. However, Skidgel et al. and Shneiderman as combined clearly teaches this feature. Further, Shneiderman teaches associating with "tags"

information other than just the user's name such as email address which uniquely identifies a user.

17. In order for Applicant to properly argue that commercial success or long-felt need apply, *applicant must link to the commercial success or long-felt need to a claimed feature that distinguishes over the prior art*. See Asyst Techs., Inc. v Emtrack, Inc., 544 F.3d 1310 (Fed. Cir. 2008). Applicant's Exhibits all seem to link the feature of being able to label individuals in the picture by name. Both Skidgel et al. and Shneiderman disclose this feature and therefore, this cannot be a non-obvious feature that is overcome by testaments of commercial success.

18. Futher, it is noted that a combination of known elements would have been *prima facie* obvious if an ordinary skilled artisan would have recognized an apparent reason to combine those elements and would have known how to do so. See Ecolab, Inc. v. FMC Corp., 569 F.3d 1335 (Fed. Cir. 2009).

19. Applicant also gives examples of commercial success that are created by different commercial entities than the applicant. Absent evidence that the other entities got the idea from applicant, this is evidence that the combinations are obvious to one having ordinary skill in the art since other entities also came up with the invention without help from the applicant. Commercial success arguments are usually based on commercial success of an applicant when compared to other entities in the same filed so that Applicant can demonstrate that the differences between Applicant's product and the competition are what created Applicant's commercial success. Applicant has not done shown this in this situation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571)272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Jacob F Bétit/
Primary Examiner, Art Unit 2169

jfb
29 August 2011